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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,115

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Juha Kaario

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07/27/2010

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EXAMINER

NGUYEN, VAN KIM T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,115	Applicant(s) KAARIO ET AL.	
	Examiner Van Kim T. Nguyen	Art Unit 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to communications filed on June 23, 2010.

Claims 1-16 are presented for examination.

Response to Arguments

2. Applicant's arguments filed June 23, 2010 have been fully considered but they are not persuasive.

Applicant's essentially argued that "the identification tag does not actually correspond to the promotional materials, nor does the URL associated with the identification tag correspond to the promotional material. The promotional items are only accessed by the consumer inputting personal information and thus, any multimedia object corresponds to the user's information, and not the tag information", see page 3, lines 12-17. Examiner respectfully disagrees. Rudolph discloses, in claim 4, "... (i) providing an integrated system comprising, a package, an identification tag coupled to said package that stores identifying data unique to said package, an interrogator located external to said package, and a computer system coupled to said interrogator for exchanging information with a remote site, (ii) sending a query signal from said interrogator to said identification tag; (iii) responding to said query signal by communicating said identifying data from said identification tag to said computer system..." Clearly, Rudolph teaches the identification tag corresponds to the identifying data (i.e., multimedia object) unique to the package, which is used for facilitating a response (i.e., multimedia message) to the computer system. Thus it meets the claim.

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In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the reader/consumer creating a multimedia message or triggering the creation of a multimedia message", see page 14, lines 20-22) are not recited in the rejected claims. As disclosed in claim 12, the tag information is intended to be retrieved by a portable, digital device; however, the act of facilitating the creation of a multimedia message does not necessary have to be performed by the portable, digital device. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-2, 4, 8, 12 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Rudolph et al (US 2001/0054082).

Regarding claim 12, Rudolph discloses a product comprising a radio frequency identification transponder (12, Fig. 1; ¶¶[0022-0025 and 0035]), wherein the transponder comprises tag information corresponding to a multimedia object (¶[0038]), wherein the tag information is intended to be retrieved by a portable, digital device (14, Fig. 1; ¶[0026]) for facilitating the creation of a multimedia message with the tag information in the multimedia message (¶¶[0036-0037]).

Regarding claim 8, Rudolph discloses an apparatus (Fig.1) comprising:

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a tag reader (14, Fig. 1; ¶¶[0026 and 0036]) configured to emit an interrogating radio signal in order to stimulate a radio frequency identification transponder tag (12, Fig. 1; ¶[0022-0025]) to emit a response signal, which includes tag information (unique product identification, serial number, and URL or other reference to a Web site; ¶[0035]), associated with a multimedia object (¶[0038]), the tag reader further configures to receive such a response signal (¶[0036]); and

a processor (16, Fig. 1) configured to initiate the transmission of a message based upon the *received* tag information; wherein the processor is further configured to provide the tag information received from the radio frequency identification transponder into the message generated in the apparatus (¶¶[0036-0037]).

Claims 1 and 15-16 are rejected under the same basis.

Regarding claim 2, Rudolph also discloses the tag information includes the multimedia object (¶[0038]).

Regarding claim 4, Rudolf also discloses the tag information is a link to the multimedia object, which is stored in a database (¶¶[0037-0038]).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph, as applied to claim 2 above, in view of Kovesdi et al (US 2003/0155413).

Regarding claim 3, Rudolph does not explicitly disclose the user is prompted to accept or reject the inclusion of the multimedia object into the message.

Kovesdi teaches the user is prompted to accept or reject the inclusion of the multimedia object into the message (¶¶[0076-0079]).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Kovesdi's teaching of prompting user to accept or reject the inclusion of the multimedia object into the message in Rudolph's system, motivated by the desire to provide easy access and seamless browsing.

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph, as applied to claim 4 above, in view of Kovesdi et al (US 2003/0155413).

Regarding claim 5, Rudolph-Kovesdi also discloses the database is stored in the portable, digital device (Figure 2; Kovesdi, ¶¶[0047 and 0071]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Kovesdi's teaching of storing the database in the portable, digital device in Rudolph's system, motivated by the desire to provide easy access and seamless browsing.

Regarding claim 6, Rudolph-Kovesdi also discloses the database is stored in a node in a mobile communication system, where the portable, digital device is registered (Figure 2; Kovesdi, ¶[0049-0051] and ¶[0071]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Kovesdi's teaching of storing the database in a node of a mobile communication system in Rudolph's system, motivated by the desire to provide easy access and seamless browsing.

Regarding claim 7, Rudolph-Kovesdi also discloses the database is stored in an internet server, which is accessible for a node in a mobile communication system, where the portable, digital device is registered (Figure 2; Kovesdi, ¶[0049-0051] and ¶[0071]).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Kovesdi's teaching of storing the database in an internet server in Rudolph's system, motivated by the desire to provide easy access and seamless browsing.

7. Claims 10-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph, as applied to claim 8 above, in view of Kovesdi et al (US 2003/0155413).

Regarding claim 10, Rudolph does not explicitly disclose displaying the multimedia object before transmitting the message.

Kovesdi teaches displaying the multimedia object before transmitting the message (¶[0045]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Kovesdi's displaying the multimedia object before transmitting the message in Rudolph's system, motivated by the desire to provide easy access and seamless browsing.

Claim 11 is rejected under the same basis.

Regarding claim 14, Rudolph does not explicitly disclose a mobile phone comprising the apparatus.

Kovesdi teaches a mobile phone comprising the apparatus (Fig. 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Kovesdi's including a mobile phone in Rudolph's system, motivated by the desire to provide easy access and seamless browsing.

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8. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudolph, as applied to claim 8 above, in view of Kenny et al (US 6,989,741).

Regarding claim 9, Rudolf does not explicitly disclose a keyboard and including a key-lock functionality, wherein the processor is configured to activate the key-lock functionality if the response signal indicating the portable digital device resides within a predetermined range from the RFID-transponder.

Kenny teaches a key-lock functionality, and the processor is configured to activate the key-lock functionality if the response signal indicating the portable digital device resides within a predetermined range from the RFID-transponder (col. 4: lines 30-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Kenny's method of tracking assets in Rudolph's system in order to better manage and track electronic assets.

Claim 13 is rejected under the same basis.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2400

Van Kim T. Nguyen
Examiner
Art Unit 2456

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